

TME-2217 - Application No. 10/538,168
Response to Office action June 24, 2009
Response submitted September 24, 2009

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1, 4, and 20 remain in the application. Claims 1 and 4 have been amended. Claims 2, 3, and 5-19 were previously cancelled.

In item 3 on page 2 of the Office action, claim 4 has been objected to because of the following informalities.

The Examiner stated that the trademarks should be capitalized at all times. Claim 4 has been amended so as to use the generic term petroleum jelly. Therefore, the objection to claim 4 by the Examiner has been overcome.

In item 5 on page 3 of the above-identified Office action, claims 1 and 20 have been rejected as being indefinite under 35 U.S.C. § 112.

The Examiner alleges that there is insufficient antecedent basis for the limitation "other chamber". It is respectfully noted that the Examiner is in error. More specifically, "other" refers to and is the correct form for referring to the

"another chamber" introduced in line 3. Accordingly, it is respectfully noted that the Examiner's allegation is in error. Therefore, claims 1 and 20 have not been amended to overcome the rejection. Furthermore, in a telephone conversation with the Examiner's supervisor (Ehud Gartenberg), Examiner Gartenberg indicated that the use of said other is acceptable and the claim does not require any amendment. Therefore, the claim has not been amended to overcome the rejection.

It is accordingly believed that the claims meet the requirements of 35 U.S.C. § 112, second paragraph. Should the Examiner find any further objectionable items, counsel would appreciate a telephone call during which the matter may be resolved. The above-noted changes to the claims are provided solely for cosmetic or clarificatory reasons. The changes are not provided for overcoming the prior art nor for any reason related to the statutory requirements for a patent.

In item 9 on page 3 of the Office action, claims 1 and 20 have been rejected as being fully anticipated by Hermelin et al. (U.S. Patent No. 6,375,956) (hereinafter "Hermelin") under 35 U.S.C. § 102.

The rejection has been noted and the claims have been amended in an effort to even more clearly define the invention of the

instant application. The claims are patentable for the reasons set forth below. Support for the changes is found in Fig. 2 and in paragraph 0015 of the specification.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 calls for, *inter alia*:

the package having another chamber formed therein, the other chamber being separate from the chamber and disposed within the chamber, and the other chamber containing a lubricant therein.

The Hermelin reference discloses a strip pack (110) having two recesses (124 and 126). Hermelin discloses that the two recesses are separated (124 and 126) from each other.

Hermelin does not disclose that either of the recesses (124 or 126) is disposed within the other. This is contrary to the present invention as claimed, in which the other chamber is separate from the first chamber and disposed within said chamber.

The reference does not show the package having another chamber formed therein, the other chamber being separate from the

chamber and disposed within the chamber, and the other chamber containing a lubricant therein as recited in claim 1 of the instant application. Hermelin discloses a strip pack having separate recesses formed therein. Hermelin does not disclose that recesses are disposed within other recesses. This is contrary to the present invention as claimed, in which the package has another chamber formed therein, the other chamber is separate from the chamber and is disposed within the chamber, and the other chamber contains a lubricant therein.

Since claim 1 is allowable over Hermelin, dependent claim 4 is allowable over Hermelin as well.

In item 12 on page 4 of the Office action, claim 4 has been rejected as being obvious over Hermelin (U.S. Patent No. 6,375,956) in view of Davidowitz (U.S. Patent No. 3,712,300) under 35 U.S.C. § 102. Davidowitz does not make up for the deficiencies of Hermelin. Since claim 1 is allowable, dependent claim 4 is allowable as well.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art and since

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all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1, 4, and 20 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

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Please charge any other fees which might be due with respect
to Sections 1.16 and 1.17 to the Deposit Account of Lerner
Greenberg Stemer LLP, No. 12-1099.

Respectfully submitted,

/Alfred K. Dassler/

Alfred K. Dassler
Reg. No.: 52,794

AKD:sa

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Lerner Greenberg Stemer LLP
Post Office Box 2480
Hollywood, FL 33022-2480
Tel: (954) 925-1100
Fax: (954) 925-1101